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SEP 08 2006REMARKS:

In the foregoing amendments, claims 1, 5-10 and 12 were amended to depend from claim 11. Claim 11 was allowed in the outstanding Office action mailed April 26, 2006. Accordingly, a formal allowance of claims 1 and 5-12 is respectfully requested. The foregoing amendments are being made to clarify what was already implied in applicant's claims and these amendments are not narrowing amendments and are not being made for reasons substantially related to patentability presented.

After the foregoing amendments, claim 11 is the only independent claim in the application, which claim was allowed in the outstanding Office action. The remaining claims 1, 5-10 and 12 depend from allowed claim 11. Thus, all the claims in the application are now in condition for allowance. For such reasons, applicant respectfully request that the foregoing amendments be entered under the provisions of 37 C.F.R. §1.116(b) for the purposes of placing the application in condition for allowance or for the purposes of appeal.

The Official action maintained the rejection of claims 1, 5-10 and 12 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The Official action stated that the limitation in these claims of "the spacer having a length in a longitudinal direction longer than the diameter of the small hole" is not described in the specification. In the foregoing amendments, the limitation "the spacer having a length in a longitudinal direction longer than the diameter of the small hole" was removed from applicant's claims. Therefore, applicant respectfully submits that this rejection is now moot, and accordingly, it is respectfully requested that this rejection should be reconsidered and withdrawn.

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Application No. 09/988,407
Attorney Docket No.: VX012384

At least for the foregoing reasons, a formal allowance of claims 1 and 5-10 and 12, together with allowed claim 11, is respectfully requested. While it is believed that all the claims in this application are in condition for allowance, should the examiner have any comments or questions, it is respectfully requested that the undersigned be telephoned at the below listed number to resolve any outstanding issues.

In the event this paper is not timely filed, applicant hereby petitions for an appropriate extension of time. The fee therefor, as well as any other fees which become due, may be charged to our deposit account No. 50-1147.

Respectfully submitted,
POSZ LAW GROUP, PLC


R. Eugene Varndell, Jr.
Attorney for Applicants
Registration No. 29,728

Atty. docket No. VX012384
12040 South Lakes Drive
Suite 101
Reston, Virginia 20191
(703) 707-9110

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Application No. 09/988,407
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Applicant(s): Hideo FURUKAWA
Serial No.: 09/988,407
Filed: November 19, 2001
Title: EMULSION PRODUCING APPARATUS

Atty. docket No.: VX012384
Group Art Unit: 1723
Examiner: David L. Sorkin

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence, which includes this petition for a TWO-month extension of time (ONE page) and an attached Response after Final under 37 C.F.R. §1.116 (SEVEN pages) is being facsimile transmitted to the USPTO (Fax. No. 571-273-8300) on 08 September 2006.

Signature: 